

PLANNING AND ZONING COMMISSION
STAFF REPORT

September 21 of 2006



PV 06-24: Momentum Realty, LLC

CASE DESCRIPTION: a 7.5-foot variance from the minimum 15-foot side building setback generally required on residential lots adjoining a local street, to allow the creation of a new lot planned to front Scott Street with a minimum 7.5-foot side building setback from that new lot's side property line planned to adjoin Old Kurten Road

LOCATION: two vacant lots located at the south corner of Old Kurten Road and Scott Street in northeastern Bryan, Brazos County, Texas

LEGAL DESCRIPTION: Lots 27 and 28 in the Redden and Thomas Addition

ZONING: 'RD-5' Residential District – 5000

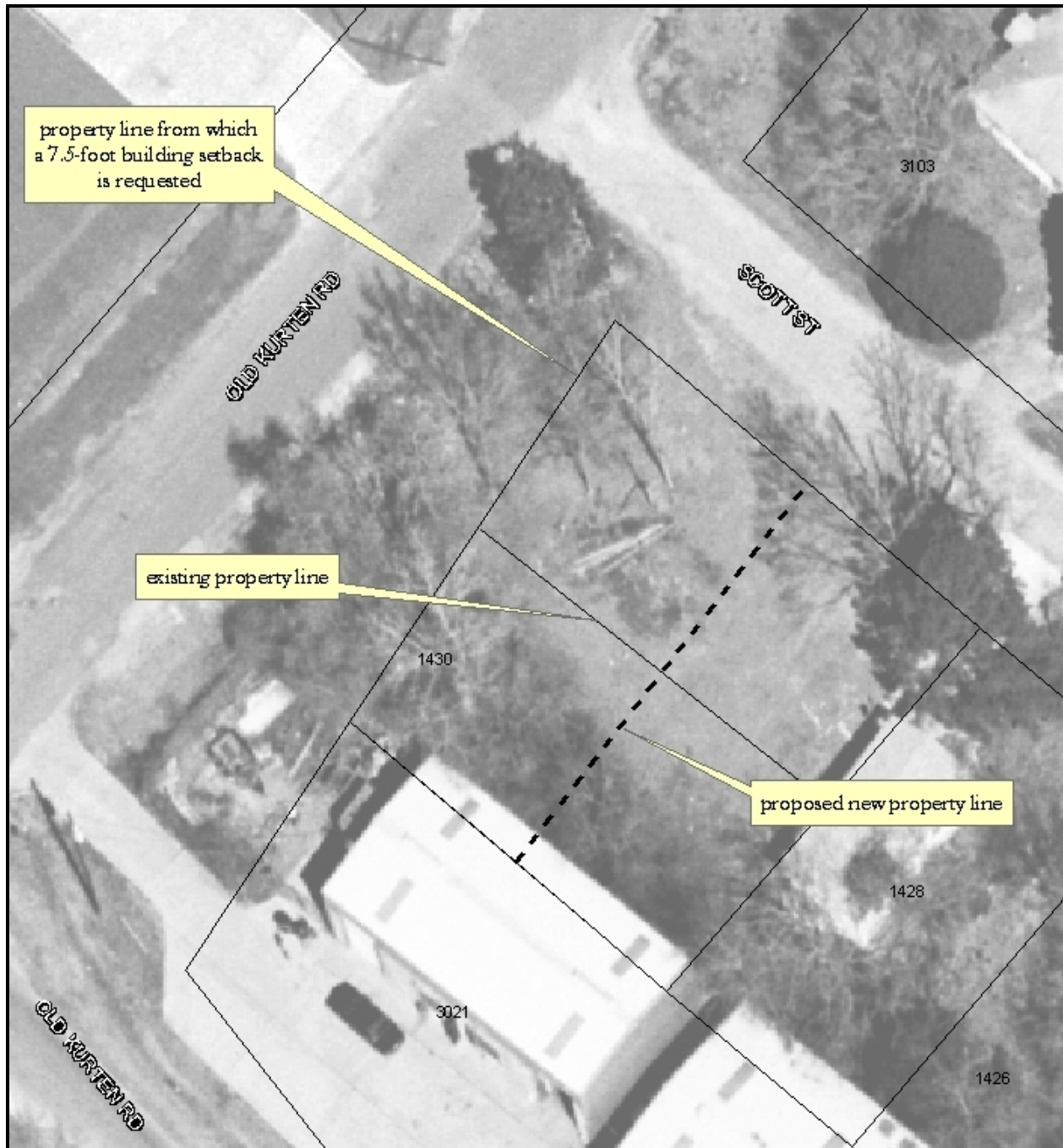
EXISTING LAND USE: two vacant lots

APPLICANT(S): Momentum Realty, LLC

STAFF CONTACT: Martin Zimmermann, Senior Planner

SUMMARY RECOMMENDATION: Staff recommends **approving** this request for variance.





BACKGROUND:

The applicants are planning to resubdivide two lots at the intersection of Old Kurten Road and Scott Street. These two lots are currently platted to front Old Kurten Road. The two proposed new lots are planned to front Scott Street.

Zoning regulations require a minimum 15-foot building setback on residential lots that abut a side street. In this particular case, reorientation of these two lots to front Scott Street would require a 15-foot building

setback from the property line of that lot that would adjoin Old Kurten Road. The applicants are requesting a 7.5-foot variance from this standard, to allow buildings on this proposed new lot to extend within 7.5-feet from the property line that adjoins Old Kurten Road. Minimum 7.5-foot building setbacks are generally required on residential lots that abut another property.

ANALYSIS:

The Planning and Zoning Commission may authorize a variance from minimum building setback standards stipulated in the Land and Site Development Ordinance. No variance shall be granted unless the Planning and Zoning Commission finds that all of the following criteria are met:

1. That the granting of the variance will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the area (an area encompassing approximately a 200-foot radius);

Minimum lot widths and depths established by zoning regulations exercise important control over the use of land and the distribution of population. Minimum yard requirements are coordinated with minimum lot size requirements, to establish effective standards for building density and population distribution in residential areas. The minimum 15-foot side building setback standard for residential properties that adjoin local or collector street is intended to help prevent the overcrowding of street frontage and, thereby, to encourage openness in residential districts.

In this particular case, approving the requested variance will allow the reorientation of these two lots to face Scott Street. Strict enforcement of the minimum 15-foot building setback standard along Old Kurten Road would severely limit space for new housing desired under even the most modest circumstances on one of the two lots. That lot might, then, remain vacant for extended periods of time.

The adjoining segment of Old Kurten Road is only approximately 300 feet long. Staff believes that if these properties are replatted to front Scott Street, reducing the minimum required side building setback along Old Kurten Road from 15 feet to 7.5 feet will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the area. Even if replicated on other properties along this short segment of Old Kurten Road, staff believes the requested reduction of the minimum side building setback on this one lot should not "tip the balance" in favor of overcrowding this street segment.

2. That the granting of the variance will not be detrimental to the public health, safety or welfare, or materially injurious to properties abutting the subject property;

Staff believes reducing the minimum required side building setback, in this particular case, will not be detrimental to the public health, safety or welfare, or materially injurious to properties abutting the subject property.

3. That the hardships and difficulties imposed upon the owner/applicant are greater than the benefits to be derived by the general public through compliance with the requirements of this chapter.

Staff generally encourages infill development in vacant areas of older neighborhoods of Bryan. In this particular case, staff believes approving the requested variance is believed to have the most likely long-range benefit, balancing both public and private purposes.

RECOMMENDATION:

Staff recommends **approving** this request for variance.